



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 6189-01  
20 May 2002



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 2 May 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the comments of your counsel.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 3 May 1993. You underwent a pre-separation physical examination on 5 May 1998, and were found physically qualified for separation and to perform the duties of your rank/rate. You were discharged on 24 July 1998 by reason of weight control failure. On 19 December 2000, the Department of Veterans Affairs (VA) awarded you disability ratings of 10% for asthma, right and left carpal tunnel syndrome, right and left patellofemoral syndrome, and 0% for right and left hip strain, for a combined rating of 40%.

The fact that the VA has awarded you multiple disability ratings does not demonstrate that your discharge from the Navy was erroneous or unjust. In this regard, it noted that whereas the VA rated all conditions it classifies as "service connected", i.e., incurred in, aggravated by or merely traceable to a period of military service, the military departments assign ratings only in those cases where the service member is unfit to perform the duties of the service member's office, grade, rank or rating. There is no indication in the available records that

you were unfit for duty on 5 May 1998. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director